

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

URTHTECH LLC.,)	Case No. 1:24-mc-00030
)	
Plaintiff,)	Judge J. Philip Calabrese
)	
v.)	
)	
GOJO INDUSTRIES, INC.,)	
)	
Defendant.)	
)	

MINUTES AND ORDER

The Court held a status conference by Zoom on June 24, 2024. Jude A. Fry, Michael R. Weiner, and Daniel Gonzalez, Jr. appeared for Plaintiff. Andy Alexander and John Cipolla appeared for Defendant and Calfee as the subject of the motion to compel discovery. At the Court’s request, the parties discussed the status of the litigation in the Southern District of New York case, and in particular the status of the discovery dispute between Plaintiff and Gojo. Counsel discussed the potential overlap between the discovery issues pending in the Southern District and this miscellaneous action.

Plaintiff sought to compel in a proper court. *See* Fed. R. Civ. P. 37(a)(2). Nonetheless, a court “may transfer [the] motion . . . to the issuing court if the person subject to the subpoena consents or if the court finds exceptional circumstances.” Fed. R. Civ. P. 45(f). Based on discussions with counsel, the parties agreed that this action and the discovery dispute in the Southern District involve at least some overlap of issues, making that forum more appropriate for the efficient resolution of all

discovery issues. Accordingly, they consented to transfer this motion to the Southern District of New York.

Further, the Court finds that exceptional circumstances make transfer proper to the Southern District as well. “[T]ransfer may be warranted in order to avoid disrupting the issuing court’s management of the underlying litigation, as when that court has already ruled on issues presented by the motion or the same issues are likely to arise in discovery in many districts.” Fed. R. Civ. P. 45(f) advisory committee’s note to 2013 amendment. Here, the record shows that substantially similar issues will arise in resolving the discovery dispute between Plaintiff and Gojo pending in the Southern District. Therefore, proceeding with a parallel motion to compel directed to Gojo’s counsel in this District risks inconsistent rulings. To a great extent, but not entirely, the resolution in the Southern District where the underlying dispute is being litigated will determine the outcome of the motion to compel filed here. For these reasons, the Court finds that exceptional circumstances warrant transferring this motion to compel to the Southern District of New York.

Therefore, with the parties’ consent and based on the Court’s finding of exceptional circumstances, the Court **ORDERS** the motion to compel to be transferred the Southern District of New York for litigation as part of the parties’ dispute there. If the Southern District determines that it is more appropriate for this Court to handle any proceedings relating to the subpoena at issue, the Court directs the parties to file an appropriate motion to reopen this matter.

SO ORDERED.

Dated: June 25, 2024

A handwritten signature in black ink, appearing to read 'J. Calabrese', with a long horizontal flourish extending to the right.

J. Philip Calabrese
United States District Judge
Northern District of Ohio